IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6058 of 2007()

MC.965/2007 of D.C. & SESSIONS COURT,KOZHIKODE
CRIME NO.307/07 OF THE NADAKKAVU POLICE STATION

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PETITIONER/ACCUSED

ANEESH,S/O.ABOOBACKER,AGED 25 YEARS
VELIYATHODI PARAMBU HOUSE, GANDHI ROAD,
KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP. BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 6058 of 2007

Dated this the 8th day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Secs.308 and 324 of the IPC. He is the sole accused in the case. Prior animosity is the alleged motive. It is alleged that the petitioner had beaten the victim with a wooden reaper. Abrasions are the injuries suffered. The petitioner was arrested on 6/9/07. The petitioner continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Exaggerated allegations are raised. Police have willingly obliged the de facto complainant. The allegation under Sec.308 of the IPC is totally unjustified. At worst, only an allegation under Sec.324 of the IPC is revealed. The petitioner may now be enlarged on bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the

prayer for regular bail and I am satisfied that the petitioner, who has remained in custody from 6/9/07 on the allegations referred above, is entitled to bail now, subject to appropriate terms and conditions.

4. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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